

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN TOTIN,

Plaintiff,

—against—

BOND NEW YORK PROPERTIES LLC,
BOND NEW YORK PROPERTIES
BROKERAGE LLC and BOND NEW YORK
REAL ESTATE CORP.,

Defendants.

Civil Action No. _____

COMPLAINT

JURY DEMANDED

The Complaint of the Plaintiff, BRIAN TOTIN, respectfully shows and alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement and unfair competition arising out of the Defendants' unauthorized, willful and continuing use of 31 photographs authored and owned by the Plaintiff. Plaintiff is an award-winning photojournalist whose photographic work was published in a multitude of national publications including Sports Illustrated, ESPN the Magazine, Newsweek and The New York Times. Plaintiff subsequently became a real estate agent in New York City and parlayed his photographic expertise to make photographs of real estate for advertising purposes that result in a higher-than-average response rate of consumers to his advertising.

2. Defendants willfully used photographs made by the Plaintiff without any form of authorization of the Plaintiff. Defendants used these photographs for advertising purposes in order

to draw consumers to the properties Defendants were marketing and enjoy brokerage commissions Defendants may have not been able to obtain without the unauthorized use of the Plaintiff's photographs. Defendants further used Plaintiff's photographs to directly and illegally compete with Plaintiff. Defendants continued this pattern of behavior after ignoring multipole notices to cease and desist.

3. Defendants used Plaintiff's photographs to mislead and defraud the public through false and deceptive advertising. In some instances, the photographs the Defendants used without any form of authorization of the Plaintiff were used to advertise property Defendants did not have the right to advertise, as the owner of these properties did not give Defendants permission to advertise their property and as the exclusive right to market and advertise the property was granted by the property owner to the real estate brokerage firm with which Plaintiff was then affiliated.

4. Plaintiff is a licensed real estate salesperson, affiliated with a non-party licensed real estate broker. As set forth below, the Defendants are a licensed real estate broker. These licenses are issued pursuant to Article 12-A of the New York Real Property Law and pursuant to that law, the State of New York has issued Regulations Affecting Brokers and Salespersons under part 175 of Title 19 NYCRR.

JURISDICTION AND VENUE

5. This is a civil action seeking damages and declaratory and injunctive relief for copyright infringement, arising under 17 U.S.C. §§ 101, et seq., and unfair competition under the Lanham Act, arising under 41 U.S.C. §§ 1125, et seq. This Court has original subject matter jurisdiction

over the action under 28 U.S.C. §§ 1331 and 1338(a), as this action asserts copyright and unfair competition claims arising under the laws of the United States.

6. This Court has personal jurisdiction over the Defendants because the Defendants are domiciled in this state, because the Defendants are licensed to do business in this state and because the Defendants conduct continuous, systematic, and routine business within this state and this District. The Defendants also committed the acts alleged herein in this District. The Defendants infringed upon Plaintiff's copyrights in this District by distributing infringing copies of the Plaintiff's copyrighted works to persons in this District. Defendants further presented copies of the Plaintiff's copyrighted works on Internet websites that attract citizens from this District as viewers. The advertisements that contained the infringed-upon photographs marketed property located within this District.

7. Venue in this District is proper pursuant to 28 U.S.C. §§ 1391(b),(c),(d), and 1400(a) because Plaintiff's claims arose in this district, because Defendants may be found in this District and because Defendants do business in this District. Defendants infringed upon Plaintiff's copyrights in this District by distributing infringing copies of the Plaintiff's copyrighted works to persons in this District. Defendants further presented copies of the Plaintiff's copyrighted works on Internet websites that attract citizens from this District as viewers. The advertisements that contained the infringed-upon photographs marketed property located within this District. Defendants further committed the acts complained of within this District.

THE PARTIES

8. The Plaintiff herein is a citizen of the State of New York, County of New York.

9. Defendant BOND NEW YORK PROPERTIES LLC (“BNY Properties”) is a domestic limited liability company organized under the laws of the State of New York. BNY Properties operates as a Licensed Real Estate Broker in the State of New York, holding license number 109917421.

10. Defendant BOND NEW YORK PROPERTIES BROKERAGE LLC (“BNY Brokerage”) is a domestic limited liability company organized under the laws of the State of New York.¹

11. Defendant BOND NEW YORK REAL ESTATE CORP. (“BNYRE”) is a domestic business Corporation organized under the laws of the State of New York. Upon information and belief, BNYRE is the corporate owner of BNY Properties and BNY Brokerage.²

12. BNY Properties, BNY Brokerage, and BNYRE are hereafter referred to as “Bond” or “Defendants”.

¹ The records of the New York State Department of State indicate that “Bond New York Properties LLC” changed its name on or about January 15, 2008 to “Bond New York Properties Brokerage LLC” however the company continues to use the Bond New York Properties LLC name in official filings, including their brokerage license.

² In litigation, BNYRE has sued in place of BNY Properties and BNY Brokerage and therefore is a proper defendant here. *see Real Estate Board of New York, Inc. et al v. New York State Department of State et al (901586-20 - Albany County Supreme Court)* in which BNYRE is a plaintiff described in its petition as a “real estate brokerage firm” which has “over 500 real estate licensees ... currently affiliated with (BNYRE)” despite the fact that BNYRE does not hold a brokerage license.

ALLEGATIONS COMMON TO ALL CLAIMS

I. Plaintiff's Copyrighted Works

13. Plaintiff has duly registered copyrights in and to 717 published photographs under the title “Published works of Brian Totin, 2017, Vol 1” with the United States Copyright Office and has complied with all applicable statutory registration and renewal requirements. The United States Copyright Office has issued a Certificate of Registration for “Published works of Brian Totin, 2017, Vol 1” under registration number VA 2-096-797 with an effective date of registration of March 7, 2018. A true and correct copy of registration number VA 2-096-797 is annexed as “exhibit A.”

14. Plaintiff has duly registered copyrights in and to 135 published photographs under the title “Published works of Brian Totin, 2017, Vol 2” with the United States Copyright Office and has complied with all applicable statutory registration and renewal requirements. The United States Copyright Office has issued a Certificate of Registration for “Published works of Brian Totin, 2017, Vol 1” under registration number VA 2-096-805 with an effective date of registration of March 7, 2018. A true and correct copy of registration number VA 2-096-805 is annexed as “exhibit B.”

15. Plaintiff has duly registered copyrights in and to 93 published photographs under the title “Published works of Brian Totin, 2018, Vol 3” with the United States Copyright Office and has complied with all applicable statutory registration and renewal requirements. The United States Copyright Office has issued a Certificate of Registration for “Published works of Brian Totin, 2018, Vol 3” under registration number VA 2-125-394 with an effective date of registration of

October 9, 2018. A true and correct copy of registration number VA 2-125-394 is annexed as “exhibit C.”

16. Plaintiff has duly registered copyrights in and to 185 published photographs under the title “Published works of Brian Totin, 2020, Vol 3” with the United States Copyright Office and has complied with all applicable statutory registration and renewal requirements. The United States Copyright Office has issued a Certificate of Registration for “Published works of Brian Totin, 2020, Vol 3” under registration number VA 2-226-911 with an effective date of registration of October 19, 2020 and a Registration Decision Date of December 9, 2020. A true and correct copy of registration number VA 2-226-911 is annexed as “exhibit D.”

17. Contained within the group-registered work “Published works of Brian Totin, 2017, Vol 1”, registration number VA 2-096-797, are fifteen photographs titled “22w77a63k.jpg”, “22w77a63lav.jpg”, “22w77a63mr1.jpg”, “22w77a63mr2.jpg”, “22w77lobby.jpg”, “202w96a2abr rev.jpg”, “202w96a2ak.jpg”, “202w96a2alav.jpg”, “202w96a2alr.jpg”, “315w102a8fbr1a.jpg”, “315w102a8fbr1b.jpg”, “315w102a8fbr2.jpg”, “315w102a8fk.jpg”, “315w102a8flav.jpg” and “315w102a8flr.jpg”.

18. True and correct copies of “22w77a63k.jpg”, “22w77a63lav.jpg”, “22w77a63mr1.jpg”, “22w77a63mr2.jpg”, “22w77lobby.jpg”, “202w96a2abr rev.jpg”, “202w96a2ak.jpg”, “202w96a2alav.jpg”, “202w96a2alr.jpg”, “315w102a8fbr1a.jpg”, “315w102a8fbr1b.jpg”, “315w102a8fbr2.jpg”, “315w102a8fk.jpg”, “315w102a8flav.jpg” and “315w102a8flr.jpg” as they appear within registration number VA 2-097-797 are annexed as “exhibit E.”

19. The photographs “22w77a63k.jpg”, “22w77a63lav.jpg”, “22w77a63mr1.jpg”, “22w77a63mr2.jpg” and “22w77lobby.jpg” are collectively referred to as the “West 77th Photographs” herein.

20. The photographs “202w96a2abr rev.jpg”, “202w96a2ak.jpg”, “202w96a2alav.jpg” and “202w96a2alr.jpg” are collectively referred to as the “West 96th Photographs” herein.

21. The photographs “315w102a8fbr1a.jpg”, “315w102a8fbr1b.jpg”, “315w102a8fbr2.jpg”, “315w102a8fk.jpg”, “315w102a8flav.jpg” and “315w102a8flr.jpg” are collectively referred to as the “West 102nd Photographs” herein.

22. Contained within the group-registered work “Published works of Brian Totin, 2017, Vol 2”, registration number VA 2-096-805, are seven photographs titled “455w37a813br1.jpg”, “455w37a813br2.jpg”, “455w37a813closet.jpg”, “455w37a813k.jpg”, “455w37a813lav.jpg”, “455w37gym.jpg” and “455w37laundry.jpg”.

23. True and correct copies of “455w37a813br1.jpg”, “455w37a813br2.jpg”, “455w37a813closet.jpg”, “455w37a813k.jpg”, “455w37a813lav.jpg”, “455w37gym.jpg” and “455w37laundry.jpg” as they appear within registration number VA 2-096-805 are annexed as “exhibit F.”

24. The photographs “455w37a813br1.jpg”, “455w37a813br2.jpg”, “455w37a813closet.jpg”, “455w37a813k.jpg”, “455w37a813lav.jpg”, “455w37gym.jpg” and “455w37laundry.jpg” are collectively referred to as the West 37th Photographs herein.

25. Contained within the group-registered work “Published works of Brian Totin, 2018, Vol 3”, registration number VA 2-125-394, are six photographs titled, “239w72a3rbr1.jpg”, “239w72a3rbr2.jpg”, “239w72a3rbr3.jpg”, “239w72a3rk.jpg”, “239w72a3rlav.jpg” and “239w72a3rterrace.jpg”.

26. True and correct copies of “239w72a3rbr1.jpg”, “239w72a3rbr2.jpg”, “239w72a3rbr3.jpg”, “239w72a3rk.jpg”, “239w72a3rlav.jpg” and “239w72a3rterrace.jpg” as they appear within registration number VA 2-125-394 are annexed as “exhibit G.”

27. The photographs “239w72a3rbr1.jpg”, “239w72a3rbr2.jpg”, “239w72a3rbr3.jpg”, “239w72a3rk.jpg”, “239w72a3rlav.jpg” and “239w72a3rterrace.jpg” are collectively referred to as the “239 West 72nd Photographs” herein.

28. Contained within the group-registered work “Published works of Brian Totin, 2020, Vol 3”, registration number VA 2-226-911, are three photographs titled, “127w72a3fk.jpg”, “127w72a3flr1.jpg” and “127w72a3flr2.jpg”.

29. True and correct copies of “127w72a3fk.jpg”, “127w72a3flr1.jpg” and “127w72a3flr2.jpg” as they appear within registration number VA 2-226-911 are annexed as “exhibit H.”

30. The photographs “127w72a3fk.jpg”, “127w72a3flr1.jpg” and “127w72a3flr2.jpg” are collectively referred to as the “127 West 72nd Photographs” herein.

31. The operation of 37 CFR § 202.4(i) deems published photographs registered under a group registration as individual original works of authorship. Specifically, a group registration of

published photographs individually covers the copyrightable authorship in each work that has been included in the group and each work in the group is considered to be individually registered as a separate work.

32. The West 77th Photographs, the West 96th Photographs, the West 102nd Photographs, the West 37th Photographs, and the 239 West 72nd Photographs are referred to as the “2018 Photographs” hereafter.

33. The 2018 Photographs and the 127 West 72nd Photographs are referred to as the “Totin Copyrighted Works” hereafter.

34. The Totin Copyrighted Works are individual original works of authorship and constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. §§ 101, et seq.

35. Plaintiff is the author of the Totin Copyrighted Works.

36. Plaintiff owns the exclusive right to reproduce the Totin Copyrighted Works, distribute copies of the Totin Copyrighted Works to the public and display the Totin Copyrighted Works publicly. Plaintiff is entitled to all of the protections and remedies for the Totin Copyrighted Works accorded to a copyright owner.

II. Defendant’s Repeated Infringement of the Totin Copyrighted Works

37. On or about April 17, 2018, Plaintiff discovered that Defendants and their Licensed Salespersons Greg Linkous (“Linkous”), Krissy Rincon (“Rincon”), Shalamit Roshodesh (“Roshodesh”), Soraya Selles (“Selles”), and Meni Tsoukalas (“Tsoukalas”), all acting on

Defendants' behalf, published or caused to be published the West 77th Photographs to the websites <http://www.nakedapartments.com>, <http://www.zumper.com> and <http://www.renthop.com> (the "West 77th Infringements") without any form of authorization from the Plaintiff.

38. True and correct copies of the West 77th Infringements are annexed to this Complaint as "Exhibit I."

39. On or about June 7, 2018, Plaintiff discovered that Defendants and their Licensed Salesperson Said Bennani ("Bennani"), acting on Defendants' behalf, published or caused to be published the West 96th Photographs to the website <http://www.renthop.com> (the "West 96th Infringements") without any form of authorization from the Plaintiff.

40. True and correct copies of the West 96th Infringements are annexed to this Complaint as "Exhibit J."

41. On or about June 18, 2018, Plaintiff discovered that Defendants and Linkous, acting on Defendants' behalf, published or caused to be published the West 37th Photographs to the website <http://www.nakedapartments.com> (the "Linkous West 37th Infringements") without any form of authorization from the Plaintiff.

42. On or about October 25, 2018, Plaintiff discovered that Defendants and Selles, acting on Defendants' behalf, published or caused to be published the West 37th Photographs to the website, <http://www.nakedapartments.com> (the "Selles West 37th Infringements") without any form of authorization from the Plaintiff.

43. The Linkous West 37th Infringements and the Selles West 37th Infringements are hereto after referred to as the “West 37th Infringements.”

44. True and correct copies of the West 37th Infringements are annexed to this Complaint as “Exhibit K.”

45. Defendants own, operate and control the content of an internet website at <https://www.bondnewyork.com>.

46. On or about August 22, 2018, Plaintiff discovered that Defendants and their Licensed Salesperson Ivo Velon (“Velon”), acting on Defendants’ behalf, published or caused to be published the 239 West 72nd Photographs to the websites <http://www.bondnewyork.com> and <http://www.nakedapartments.com> (the “Velon 239 West 72nd Infringements”) without any form of authorization from the Plaintiff.

47. On or about October 25, 2018, Plaintiff discovered that Defendants and their Licensed Associate Broker Justin Duffy (“Duffy”), acting on Defendants’ behalf, published or caused to be published the 239 West 72nd Photographs to the websites <http://www.nakedapartments.com>, and (the “Duffy 239 West 72nd Infringements”) without any form of authorization from the Plaintiff.

48. On or about October 25, 2018, Plaintiff discovered that Defendants and Selles, acting on Defendants’ behalf, published or caused to be published the 239 West 72nd Photographs to the website, <http://www.rentbop.com> (the “Selles 239 West 72nd Infringements”) without any form of authorization from the Plaintiff.

49. The Velon 239 West 72nd Infringements, the Duffy 239 West 72nd Infringements and the Selles 239 West 72nd Infringements are hereto after referred to as the “239 West 72nd Infringements.”

50. True and correct copies of the 239 West 72nd Infringements are annexed to this Complaint as “Exhibit L.”

51. On or about October 29, 2018, Plaintiff discovered that Defendants and their Licensed Salesperson Alla Kliouka (“Kliouka”), acting on Defendants’ behalf, published or caused to be published the West 102nd Photographs to the websites *http://www.renthop.com*, and (the “West 102nd Infringements”) without any form of authorization from the Plaintiff.

52. True and correct copies of the West 102nd Infringements are annexed to this Complaint as “Exhibit M.”

53. Plaintiff sent notice to Defendants of their infringements of the 2018 Photographs in November 2018. Defendants did not remove the infringements of the 2018 photographs that were active at that time, but, rather, continued to use many of the 2018 Photographs, and to re-publish the 2018 Photographs, without the Plaintiff’s consent. It was not until Plaintiff served DMCA takedown notices upon the service providers for the various websites involved that Defendants’ use of the 2018 Photographs was stopped.

54. On or about December 2, 2020, Plaintiff discovered that Defendants and their Licensed Salesperson Kevin McConnell (“McConnell”), acting on Defendants’ behalf, published or caused to be published the 129 West 72nd Photographs to the websites *http://www.bondnewyork.com* and

<http://www.renthop.com> (the “129 West 72nd Infringements”) without any form of authorization from the Plaintiff.

55. True and correct copies of the 129 West 72nd Infringements are annexed to this Complaint as “Exhibit N.”

56. Plaintiff sent notice to Defendants of their infringements of the 129 West 72nd Photographs in December 2020. Defendants initially removed the 129 West 72nd Infringements, but, on March 24, 2021, Plaintiff discovered that the Defendants had re-published the 129 West 72nd Photographs to the website <http://www.renthop.com> again, without any form of authorization from the Plaintiff.

57. When initially applying for, or renewing, their license, real estate brokers and salespersons must agree under penalty of perjury to the statement, “I further affirm that I have read and understand the provisions of Article 12-A of the Real Property Law and the rules and regulations promulgated thereunder,” including part 175 of Title 19 NYCRR.

58. Under 19 NYCRR §175.25 (b) (1), “Only a real estate broker is permitted to place or cause to be published advertisements related to the sale or lease of property.”

59. Upon information and belief, and at all times relevant, Defendants maintained a policy that permitted its affiliated associate real estate brokers and real estate salespersons to publish apartment rental advertisements on Defendants behalf without prior review by Defendants.

60. By operation of law, 19 NYCRR §175.25(b)(1) makes the Defendants the *de facto* publisher of all apartment rental advertisements placed or caused to be published by its affiliated

associate real estate brokers and real estate salespersons, including the advertisements containing the unauthorized use of the Totin Copyrighted Works.

61. In infringing upon the Totin Copyrighted Works, in many instances the Defendants either removed or left an identifying watermark on the Totin Copyrighted Works. The identifying watermark, the logo of Plaintiff's then-affiliated non-party licensed real estate broker, put Defendants on notice that they did not have the right to publish or otherwise use the Totin Copyrighted Works and further gave Defendants notice that a competitor had a license to publish or otherwise use the Totin Copyrighted Works. The identifying watermark gave Defendants actual knowledge that they did not have the right to publish or otherwise use the Totin Copyrighted Works, but the Defendants did so anyway, in reckless disregard for the copyrights of the Plaintiff.

62. When infringing on the Totin Copyright Works, in at least eight instances the Defendants placed a watermark of their corporate symbol upon the Totin Copyright Works.

63. 19 NYCRR § 175(b)(2)(a) prohibits real estate brokers and salespersons from advertising property "unless the real estate broker has obtained authorization for such advertisement from the owner of the property." Defendants, a licensed real estate broker and its principal broker, did not have authorization from the owner of the properties depicted in the West 96th Photographs and the West 77th Photographs to place or publish the advertisements that contained the West 96th Photographs and the West 77th Photographs.

64. 19 NYCRR § 175(b)(2)(b), prohibits real estate brokers and salespersons from advertising "property that is subject to an exclusive listing held by another real estate without the permission of the listing broker." In publishing the advertisements containing the West 96th Photographs and

the West 77th Photographs, Defendants advertised properties that were subject to an exclusive listing held by the Plaintiff's then-affiliated real estate brokerage. Defendants did not have authorization from the Plaintiff or his then-affiliated real estate brokerage to place or publish the unauthorized advertisements that that infringed upon the West 96th Photographs and the West 77th Photographs.

65. As a licensed real estate broker, Defendants previously stated under penalty of perjury that Defendants understood the provisions of 19 NYCRR § 175(b)(2)(a) and (b), and therefore knew they did not have any right to place or publish the unauthorized advertisements that infringed upon the West 96th Photographs and the West 77th Photographs. Consequently, Defendants had actual knowledge that they did not have the right to place or publish the unauthorized advertisements that infringed upon the West 96th Photographs and the West 77th Photographs, but did so anyway, in reckless disregard for the copyrights of the Plaintiff.

66. The Defendant committed 31 separate willful infringements of the Totin Copyrighted Works.

FIRST CAUSE OF ACTION
Direct Copyright Infringement
(Against all Defendants)

67. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 66 as though fully set forth herein.

68. The Totin Copyrighted Works constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. §§ 101, et seq. Plaintiff has recorded the copyrights in and to the Totin Copyrighted

Works with the United States Copyright Office and has complied with all applicable statutory registration and renewal requirements.

69. Plaintiff owns the United States copyrights in the Totin Copyrighted Works, and Plaintiff further owns the exclusive right to reproduce the Totin Copyrighted Works, distribute copies of the Totin Copyrighted Works to the public and to display the Totin Copyrighted Works publicly. Plaintiff is entitled to all of the protections and remedies for the Totin Copyrighted Works accorded to a copyright owner.

70. On information and belief, in direct violation of Plaintiff's exclusive rights, Defendants have directly infringed, and unless enjoined by this Court, will continue to infringe, on the copyrights in the Totin Copyrighted Works by, among other things, publishing the Totin Copyrighted Works to various websites without the consent of the Plaintiff.

SECOND CAUSE OF ACTION
Vicarious Copyright Infringement
(Against All Defendants)

71. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 70 as though fully set forth herein.

72. Under the doctrine of *respondeat superior*, Title 19 NYCRR, and New York State case law, it well established that a real estate broker and the principal real estate broker of a real estate brokerage is vicariously liable for sales associate misconduct.

73. On information and belief, Defendants had the right, ability and responsibility to supervise Defendants' sales associates Linkous, Rincon, Roshodesh, Selles, Tsoukalas, Bennani, Velon,

Duffy, Kliouka and McConnell, and on information and belief, did supervise Defendants' sales associates Linkous, Rincon, Roshodesh, Selles, Tsoukalas, Bennani, Velon, Duffy, Kliouka and McConnell in their unlawful preparation, duplication, and distribution of the Totin Copyrighted Works.

74. On information and belief, Defendants enjoyed a direct financial benefit from the preparation, duplication, and distribution of the infringements of the Totin Copyrighted Works.

75. In direct violation of Plaintiff's exclusive rights, and as a consequence of the foregoing, Defendants have vicariously infringed the copyrights in the Totin Copyrighted Works.

THIRD CAUSE OF ACTION
Violation of the Lanham Act
(Against All Defendants)

76. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 75 as though fully set forth herein.

77. Defendants used the Totin Copyright Works in commercial advertisements for their services without any form of authorization from Plaintiff.

78. In at least eight of these commercial advertisements, Defendants placed a watermark of their corporate symbol upon the Totin Copyright Works.

79. In direct violation of the Lanham Act, Defendants used in commerce a symbol which was likely to cause confusion, or to cause mistake, or to deceive as to the origin of Defendants' services or commercial activities, by another person.

80. In further direct violation of the Lanham Act, the Defendants, in commercial advertising or promotion, misrepresented the nature, characteristics and qualities of their services, or commercial activities, by placing a watermark of their corporate symbol upon the Totin Copyright Works.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendant as follows:

1. That the Court find that:
 - a. Defendants have infringed the copyrights in the Totin Copyrighted Works;
 - b. Defendants have vicariously infringed the copyrights in the Totin Copyrighted Works through the actions of Linkous, Rincon, Roshodesh, Selles, Tsoukalas, Bennani, Velon, Duffy, Kliouka and McConnell;
 - c. Defendants have violated the Lanham Act by placing their own watermark on the Totin Copyrighted Works.
2. That the Court enter a declaration that Defendants' publication of the Totin Copyrighted Works constitutes infringement of the Totin Copyrighted Works.
3. That the Court find that as a direct and proximate result of Defendants' foregoing acts, Plaintiff is entitled to the following damages:

- a. At Plaintiffs' election, statutory damages of up to \$150,000 for each separate Totin Copyrighted Work infringed for willful infringement pursuant to 17 U.S.C. § 504(c), or Plaintiff's actual damages sustained as a result of Defendants' acts of copyright infringement according to proof and Defendants' profits obtained as a result of their acts of copyright infringement according to proof;
- b. Plaintiff's reasonable attorneys' fees and costs pursuant to the Copyright Act of 1976, 17 U.S.C. §§ 101, et seq., and 17 U.S.C. § 505; and
- c. Plaintiff's actual damages sustained as a result of Defendants' acts of unfair competition according to proof.

4. That the Court find that the threat of irreparable harm to Plaintiff as a result of Defendants' conduct leaves Plaintiff without adequate remedy at law, and therefore that Plaintiff is entitled to an injunction restraining Defendants, their agents, servants, employees, attorneys, successors, assigns, subsidiaries, and all persons, firms, and corporations acting in concert with them, from directly or indirectly infringing the copyrights in the Totin Copyrighted Works, including but not limited to continuing to distribute, market, advertise, promote, produce, sell, or offer for sale the Totin Copyright Works or any works derived or copied from the Totin Copyrighted Works, and from participating or assisting in any such activity whether or not it occurs in the United States.

5. That the Court enjoin Defendants, their agents, servants, employees, attorneys, successors, assigns, subsidiaries, and all persons, firms, and corporations acting in concert with them, from directly or indirectly infringing the copyrights in the Totin Copyrighted Works, including but not limited to continuing to distribute, copy, publicly perform, market, advertise, promote, produce, sell, or offer for sale the Totin Copyrighted Works or any works derived or copied from the Totin Copyrighted Works, and from participating or assisting in any such activity whether or not it occurs in the United States.

6. That the Court grant such other, further relief as it deems just and proper.

Dated: April 7, 2021
New York, New York

Respectfully submitted,

BRIAN TOTIN, PRO SE

s/ Brian Totin _____
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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as provided by Rule 38 of the Federal Rules of Civil Procedure.

Dated: April 7, 2021
New York, New York

Respectfully submitted,

BRIAN TOTIN, PRO SE

s/ Brian Totin _____
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EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Kay A. Lusk

Acting United States Register of Copyrights and Director

Registration Number

VA 2-096-797

Effective Date of Registration:

March 07, 2018

Copyright Registration for a Group of Published Photographs

Registration issued pursuant to 37 C.F.R. § 202.4(i)

For Photographs Published: January 03, 2017 to September 28, 2017

Title

Title of Group: Published works of Bri n Totin, 2017, Vol 1
Number of Photographs in Group: 717

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Nation of First Publication: United States

Author

- Author:** Brian Totin
Author Created: photographs
Citizen of: United States
Year Born: 1976

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Rights and Permissions

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Certification

Name: Brian Totin
Date: March 07, 2018

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Karen Leigh Claythorn

Acting United States Register of Copyrights and Director

Registration Number

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Effective Date of Registration:

March 07, 2018

Copyright Registration for a Group of Published Photographs

Registration issued pursuant to 37 C.F.R. § 202.4(i)

For Photographs Published: October 02, 2017 to December 30, 2017

Title

Title of Group: Published works of Brian Totin, 2017, Vol 2
Number of Photographs in Group: 135

- **Individual Photographs:** 8w90a4br1.jpg, 8w90a4br2.jpg, 8w90a4k.jpg, 8w90a4lav.jpg, 8w90a4lr1.jpg, 8w90a4lr2.jpg, 22w77a06br1.jpg, 22w77a06br2.jpg, 22w77a06k.jpg, 22w77a06lav.jpg, 22w77a06lr.jpg, 22w77a24br.jpg, 22w77a24k.jpg, 22w77a24lav.jpg, 22w77a24lr.jpg, 104w80a10k1.jpg, 104w80a10lav2.jpg, 104w80a10mr13.jpg, 104w80a10mr24.jpg, 130w73a2k.jpg, 130w73a2lav.jpg, 130w73a2mr1.jpg, 130w73a2mr2.jpg, 130w73a2yard.jpg, 137w83a2wvbr1a.jpg, 137w83a2wvbr1b.jpg, 137w83a2wvbr2.jpg, 137w83a2wvbr3a.jpg, 137w83a2wvk.jpg, 137w83a2wvlav1.jpg, 137w83a2wvlav2.jpg, 137w83a2wvlr1.jpg, 137w83a2wvlr2.jpg, 137w83a2wvlr3.jpg, 137w83a3sk.jpg, 137w83a3slav.jpg, 137w83a3smr1.jpg, 137w83a3smr2.jpg, 139w83a2efbr1a.jpg, 139w83a2efbr1b.jpg, 139w83a2efbr2.jpg, 139w83a2efk.jpg, 139w83a2eflav2.jpg, 139w83a2eflr1.jpg, 139w83a2eflr2.jpg, 139w83a2ek.jpg, 139w83a2elr.jpg, 142w87ad2br.jpg, 142w87ad2deck.jpg, 142w87ad2k.jpg, 142w87ad2lav.jpg, 142w87ad2lr.jpg, 204w96a3dbr.jpg, 204w96a3dbr2.jpg, 204w96a3dk.jpg, 204w96a3dlav.jpg, 204w96a3dlr1.jpg, 204w96a3dlr2.jpg, 204w96a3drbr.jpg, 204w96a3drlav.jpg, 204w96a3drlr1.jpg, 250w104ag1br1.jpg, 250w104ag1br2.jpg, 250w104ag1k1.jpg, 250w104ag1k2.jpg, 250w104ag1lav.jpg, 250w104ag1lr1.jpg, 250w104ag1outdoor.jpg, 304w30a2k.jpg, 304w30a2lav.jpg, 304w30a2mr1.jpg, 304w30a2mr2.jpg, 455w37a813br1.jpg, 455w37a813br2.jpg, 455w37a813closet.jpg, 455w37a813k.jpg, 455w37a813lav.jpg, 455w37gym.jpg, 455w37laundry.jpg, 455w37ter.jpg, 455w37ter2.jpg, 471cola12br1.jpg, 471cola12br2.jpg, 471cola12k.jpg, 471cola12lav.jpg, 471cola12lr.jpg, 638weaa5ainsta.jpg, 638weaa5ak.jpg, 638weaa5alav.jpg, 638weaa5alr1.jpg, 638weaa5alr2.jpg, 785weaa5bbr1.jpg, 785weaa5bbr2.jpg, 785weaa5bbr3.jpg, 785weaa5bdr.jpg, 785weaa5bk.jpg, 785weaa5blav.jpg, 785weaa5blr.jpg, 785weaa5blr2.jpg, 785weaa14abr1.jpg, 785weaa14abr2.jpg, 785weaa14ak1.jpg, 785weaa14ak2.jpg, 785weaa14alav.jpg, 785weaa14alr1.jpg, 785weaa14alr2.jpg, 785weaa17cbr1.jpg, 785weaa17cbr2.jpg, 785weaa17cbr2b.jpg, 785weaa17ck.jpg, 785weaa17clav.jpg, 785weaa17clr.jpg,

Published: October 2017

- **Individual Photographs:** IG 785 river.jpg, IG glass.jpg, IG Hudson1.JPG, IG Hudson2.jpg, IG

Hudson3.jpg, IG Hudson4.jpg, IG Hudson5.jpg, IG Hudson6.jpg, IG Hudson7.JPG, IG Hudson8.jpg, IG Hudson9.jpg, IG salem1.jpg, IG salem2.JPG, IG salem3.JPG, IG salem4.JPG, IG salem5.JPG, IG salem6.JPG, IG salem7.JPG, IG salem8.JPG, IG steps.jpg, IG street.jpg, IG Sunset.jpg, IG towers.jpg,

Published: November 2017

Completion/Publication

Year of Completion: 2017
Earliest Publication Date in Group: October 02, 2017
Latest Publication Date in Group: December 30, 2017
Nation of First Publication: United States

Author

- Author:** Brian Totin
Author Created: photographs
Citizen of: United States
Year Born: 1976

Copyright Claimant

Copyright Claimant: Brian Totin
PO Box 230581, New York, NY, 10023, United States

Rights and Permissions

Name: Brian Totin
Email: brian@briantotin.com
Telephone: (917)881-1830
Address: PO Box 230581
New York, NY 10023 United States

Certification

Name: Brian Totin
Date: March 07, 2018

Copyright Office notes: Regarding title information: Deposit contains complete list of titles that correspond to the individual photographs included in this group.

Regarding group registration: A group of published photographs may be registered on one application with one filing fee only under limited circumstances. ALL of the following are required: 1. All photographs (a) were created by the same author AND (b) are owned by the same copyright claimant AND (c) were published in the same calendar year AND 2. The group contains 750 photographs or less AND 3. A sequentially numbered list of photographs



containing the title, file name and month of publication for each photograph included in the group must be uploaded along with other required application materials. The list must be submitted in an approved document format such as .XLS or .PDF. The file name for the numbered list must contain the title of the group and the Case Number assigned to the application.

EXHIBIT C



Kary A. Lush

VA 2-125-394

October 09, 2018

Title

Completion/Publication

Year of Completion: 2018
Earliest Publication Date in Group: July 13, 2018
Latest Publication Date in Group: September 29, 2018
Nation of First Publication: United States

Author

• **Author:** Brian Totin
Author Created: photographs
Work made for hire: No
Citizen of: United States
Domiciled in: United States
Year Born: 1976

Copyright Claimant

Copyright Claimant: Brian Totin
PO Box 230581, New York, NY, 10023, United States

Rights and Permissions

Name: Brian Totin
Email: brian@briantotin.com
Telephone: (917)881-1830
Address: PO Box 230581
New York, NY 10023 United States

Certification

Name: Brian Totin
Date: October 09, 2018

Copyright Office notes: Regarding title information: Deposit contains complete list of titles that correspond to the individual photographs included in this group.

Regarding group registration: A group of published photographs may be registered on one application with one filing fee only under limited circumstances. ALL of the following are required: 1. All photographs (a) were created by the same author AND (b) are owned by the same copyright claimant AND (c) were published in the same calendar year AND 2. The group contains 750 photographs or less AND 3. A sequentially numbered list of photographs containing the title, file name and month of publication for each photograph included in the group must be uploaded along with other required application materials. The list must be submitted in an approved document format such as .XLS or .PDF. The file name for the numbered list must contain the title of the group and the Case Number assigned to the application.



EXHIBIT D

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number

VA 2-226-911

Effective Date of Registration:

October 19, 2020

Registration Decision Date:

December 09, 2020

Copyright Registration for a Group of Published Photographs

Registration issued pursuant to 37 C.F.R. § 202.4(i)

For Photographs Published: July 23, 2020 to October 15, 2020

Title

Title of Group: Published works of Brian Totin, 2020, Vol 3
Number of Photographs in Group: 185

- Individual Photographs:** 8w90a8br.jpg, 8w90a8k.jpg, 8w90a8lav.jpg, 8w90a8lr.jpg, 8w90a8lr2.jpg, 8w90a8terr.jpg, 127w72a3fbr1.jpg, 127w72a3fbr2.jpg, 127w72a3fk.jpg, 127w72a3flav.jpg, 127w72a3flr1.jpg, 127w72a3flr2.jpg, 158w81a74br1.jpg, 158w81a74br2.jpg, 158w81a74br3.jpg, 158w81a74k.jpg, 158w81a74lav.jpg, 158w81a74lr.jpg, 158w81ag1br1.jpg, 158w81ag1br2.jpg, 158w81ag1k.jpg, 158w81ag1lav.jpg, 158w81ag1lr.jpg, 326cola3dk.jpg, 326cola3dlav.jpg, 326cola3dmr1.jpg, 326cola3dmr2.jpg, 326cola6ibr.jpg, 326cola6ik.jpg, 326cola6ilav.jpg, 326cola6ilr.jpg

Published: July 2020

- Individual Photographs:** 6w90a9br.jpg, 6w90a9k.jpg, 6w90a9lav.jpg, 6w90a9lr.jpg, 49w90a10k.jpg, 49w90a10lav.jpg, 49w90a10mr1.jpg, 49w90a10mr2.jpg, 130w73a7k.jpg, 130w73a7lav.jpg, 130w73a7mr1.jpg, 130w73a7mr2.jpg, 137w83a3sk.jpg, 137w83a3slav.jpg, 137w83a3smr1.jpg, 137w83a3smr2.jpg, 139w83a5ebr1.jpg, 139w83a5ebr2.jpg, 139w83a5ek.jpg, 139w83a5elav.jpg, 139w83a5elr1.jpg, 139w83a5elr2.jpg, 148w70a1br1.jpg, 148w70a1br2.jpg, 148w70a1k.jpg, 148w70a1lav.jpg, 148w70a1lr1.jpg, 148w70a1lr2.jpg, 148w70a1yard.jpg, 159w73a3rbr1.jpg, 159w73a3rbr2.jpg, 159w73a3rk.jpg, 159w73a3rlav.jpg, 159w73a3rlr1.jpg, 159w73a3rlr2.jpg, 159w73a3rter.jpg, 239w72a3rbr1.jpg, 239w72a3rbr2.jpg, 239w72a3rbr3.jpg, 239w72a3rk.jpg, 239w72a3rlav.jpg, 239w72a3rlr1.jpg, 315w102a2bbr1.jpg, 315w102a2bbr2.jpg, 315w102a2bk.jpg, 315w102a2blav.jpg, 315w102a2blr.jpg, 315w102a2clr2020.jpg, 511w169a34br1.jpg, 511w169a34br2.jpg, 511w169a34k.jpg, 511w169a34lav.jpg, 511w169a34lr.jpg, 511w169a34lr2.jpg, 300347a3fbr1.jpg, 300347a3fbr2.jpg, 300347a3fk.jpg, 300347a3flav.jpg, 300347a3flr1.jpg, 300347a3flr2.jpg, 300347a3flr3.jpg

Published: August 2020

- Individual Photographs:** 47w84a3sbr.jpg, 47w84a3sk.jpg, 47w84a3slav.jpg, 47w84a3slr.jpg, 47w84a3slr2.jpg, 59w89a2rbr1.jpg, 59w89a2rbr2.jpg, 59w89a2rk.jpg, 59w89a2rlav.jpg, 59w89a2rlr1.jpg, 59w89a2rlr2.jpg, 64w82a5fk.jpg, 64w82a5flav.jpg, 100w76a5nbr1a.jpg, 100w76a5nbr1b.jpg, 100w76a5nbr2.jpg, 100w76a5nbr3.jpg, 100w76a5ndr.jpg, 100w76a5nk.jpg, 100w76a5nlav1.jpg, 100w76a5nlav2.jpg, 100w76a5nlr1.jpg, 100w76a5nlr2.jpg, 104w80a11k.jpg, 104w80a11lav.jpg, 104w80a11mr1.jpg, 104w80a11mr2.jpg, 137w83a2ebr1.jpg, 137w83a2ebr2.jpg, 137w83a2ek.jpg, 137w83a2elav.jpg, 137w83a2elr1.jpg, 137w83a2elr2.jpg, 137w83a2elr3.jpg, 137w83a2elr4.jpg, 137w83a2elr5.jpg, 137w83a2elr6.jpg, 137w83a2elr7.jpg, 137w83a2elr8.jpg, 137w83a2elr9.jpg, 137w83a2elr10.jpg, 137w83a2elr11.jpg, 137w83a2elr12.jpg, 137w83a2elr13.jpg, 137w83a2elr14.jpg, 137w83a2elr15.jpg, 137w83a2elr16.jpg, 137w83a2elr17.jpg, 137w83a2elr18.jpg, 137w83a2elr19.jpg, 137w83a2elr20.jpg, 137w83a2elr21.jpg, 137w83a2elr22.jpg, 137w83a2elr23.jpg, 137w83a2elr24.jpg, 137w83a2elr25.jpg, 137w83a2elr26.jpg, 137w83a2elr27.jpg, 137w83a2elr28.jpg, 137w83a2elr29.jpg, 137w83a2elr30.jpg, 137w83a2elr31.jpg, 137w83a2elr32.jpg, 137w83a2elr33.jpg, 137w83a2elr34.jpg, 137w83a2elr35.jpg, 137w83a2elr36.jpg, 137w83a2elr37.jpg, 137w83a2elr38.jpg, 137w83a2elr39.jpg, 137w83a2elr40.jpg, 137w83a2elr41.jpg, 137w83a2elr42.jpg, 137w83a2elr43.jpg, 137w83a2elr44.jpg, 137w83a2elr45.jpg, 137w83a2elr46.jpg, 137w83a2elr47.jpg, 137w83a2elr48.jpg, 137w83a2elr49.jpg, 137w83a2elr50.jpg, 137w83a2elr51.jpg, 137w83a2elr52.jpg, 137w83a2elr53.jpg, 137w83a2elr54.jpg, 137w83a2elr55.jpg, 137w83a2elr56.jpg, 137w83a2elr57.jpg, 137w83a2elr58.jpg, 137w83a2elr59.jpg, 137w83a2elr60.jpg, 137w83a2elr61.jpg, 137w83a2elr62.jpg, 137w83a2elr63.jpg, 137w83a2elr64.jpg, 137w83a2elr65.jpg, 137w83a2elr66.jpg, 137w83a2elr67.jpg, 137w83a2elr68.jpg, 137w83a2elr69.jpg, 137w83a2elr70.jpg, 137w83a2elr71.jpg, 137w83a2elr72.jpg, 137w83a2elr73.jpg, 137w83a2elr74.jpg, 137w83a2elr75.jpg, 137w83a2elr76.jpg, 137w83a2elr77.jpg, 137w83a2elr78.jpg, 137w83a2elr79.jpg, 137w83a2elr80.jpg, 137w83a2elr81.jpg, 137w83a2elr82.jpg, 137w83a2elr83.jpg, 137w83a2elr84.jpg, 137w83a2elr85.jpg, 137w83a2elr86.jpg, 137w83a2elr87.jpg, 137w83a2elr88.jpg, 137w83a2elr89.jpg, 137w83a2elr90.jpg, 137w83a2elr91.jpg, 137w83a2elr92.jpg, 137w83a2elr93.jpg, 137w83a2elr94.jpg, 137w83a2elr95.jpg, 137w83a2elr96.jpg, 137w83a2elr97.jpg, 137w83a2elr98.jpg, 137w83a2elr99.jpg, 137w83a2elr100.jpg, 137w83a2elr101.jpg, 137w83a2elr102.jpg, 137w83a2elr103.jpg, 137w83a2elr104.jpg, 137w83a2elr105.jpg, 137w83a2elr106.jpg, 137w83a2elr107.jpg, 137w83a2elr108.jpg, 137w83a2elr109.jpg, 137w83a2elr110.jpg, 137w83a2elr111.jpg, 137w83a2elr112.jpg, 137w83a2elr113.jpg, 137w83a2elr114.jpg, 137w83a2elr115.jpg, 137w83a2elr116.jpg, 137w83a2elr117.jpg, 137w83a2elr118.jpg, 137w83a2elr119.jpg, 137w83a2elr120.jpg, 137w83a2elr121.jpg, 137w83a2elr122.jpg, 137w83a2elr123.jpg, 137w83a2elr124.jpg, 137w83a2elr125.jpg, 137w83a2elr126.jpg, 137w83a2elr127.jpg, 137w83a2elr128.jpg, 137w83a2elr129.jpg, 137w83a2elr130.jpg, 137w83a2elr131.jpg, 137w83a2elr132.jpg, 137w83a2elr133.jpg, 137w83a2elr134.jpg, 137w83a2elr135.jpg, 137w83a2elr136.jpg, 137w83a2elr137.jpg, 137w83a2elr138.jpg, 137w83a2elr139.jpg, 137w83a2elr140.jpg, 137w83a2elr141.jpg, 137w83a2elr142.jpg, 137w83a2elr143.jpg, 137w83a2elr144.jpg, 137w83a2elr145.jpg, 137w83a2elr146.jpg, 137w83a2elr147.jpg, 137w83a2elr148.jpg, 137w83a2elr149.jpg, 137w83a2elr150.jpg, 137w83a2elr151.jpg, 137w83a2elr152.jpg, 137w83a2elr153.jpg, 137w83a2elr154.jpg, 137w83a2elr155.jpg, 137w83a2elr156.jpg, 137w83a2elr157.jpg, 137w83a2elr158.jpg, 137w83a2elr159.jpg, 137w83a2elr160.jpg, 137w83a2elr161.jpg, 137w83a2elr162.jpg, 137w83a2elr163.jpg, 137w83a2elr164.jpg, 137w83a2elr165.jpg, 137w83a2elr166.jpg, 137w83a2elr167.jpg, 137w83a2elr168.jpg, 137w83a2elr169.jpg, 137w83a2elr170.jpg, 137w83a2elr171.jpg, 137w83a2elr172.jpg, 137w83a2elr173.jpg, 137w83a2elr174.jpg, 137w83a2elr175.jpg, 137w83a2elr176.jpg, 137w83a2elr177.jpg, 137w83a2elr178.jpg, 137w83a2elr179.jpg, 137w83a2elr180.jpg, 137w83a2elr181.jpg, 137w83a2elr182.jpg, 137w83a2elr183.jpg, 137w83a2elr184.jpg, 137w83a2elr185.jpg

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Published: September 2020

- **Individual Photographs:** 8w90a9br.jpg,8w90a9k.jpg,8w90a9lav.jpg,8w90a9lr.jpg,44w72a4fbr.jpg,44w72a4fk.jpg,44w72a4flav.jpg,44w72a4flr.jpg,44w72a4fter.jpg,44w72a5gbr.jpg,44w72a5gk.jpg,44w72a5glav.jpg,44w72a5glr.jpg,44w72a5glr2.jpg,127w72a3br1.jpg,127w72a3br2.jpg,127w72a3rk.jpg,127w72a3rlav.jpg,127w72a3rlr.jpg,127w72a5rbr1.jpg,127w72a5rbr2.jpg,127w72a5rk.jpg,127w72a5rlav.jpg,127w72a5rlr.jpg,206w96a3abr1.jpg,206w96a3abr2.jpg,206w96a3acloset.jpg,206w96a3ak.jpg,206w96a3alav.jpg,206w96a3alr1.jpg,206w96a3alr2.jpg

Published: October 2020

Completion/Publication

Year of Completion: 2020
Earliest Publication Date in Group: July 23, 2020
Latest Publication Date in Group: October 15, 2020
Nation of First Publication: United States

Author

- **Author:** Brian Totin
Author Created: photographs
Work made for hire: No
Domiciled in: United States
Year Born: 1976

Copyright Claimant

Copyright Claimant: Brian Totin
 PO Box 230581, New York, NY, 10023, United States

Rights and Permissions

Name: Brian Totin
Email: brian@briantotin.com
Telephone: (917)881-1830
Address: PO Box 230581
 New York, NY 10023 United States

Certification

Name: Brian Totin



Date: October 19, 2020

Copyright Office notes: Regarding title information: Deposit contains complete list of titles that correspond to the individual photographs included in this group.

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Regarding group registration: Registration extends to corresponding photographs in contents titles and in deposit.

EXHIBIT E



"22w77a63k.jpg"



"22w77a63lav.jpg"



"22w77a63mr1.jpg"



"22w77a63mr2.jpg"



"22w77lobby.jpg"



"202w96a2abr rev.jpg"



"202w96a2ak.jpg"



"202w96a2alav.jpg"



"202w96a2alr.jpg"



"315w102a8fbr1a.jpg"



315w102a8fbr1b.jpg”



“315w102a8fbr2.jpg”



315w102a8fk.jpg"



"315w102a8flav.jpg"

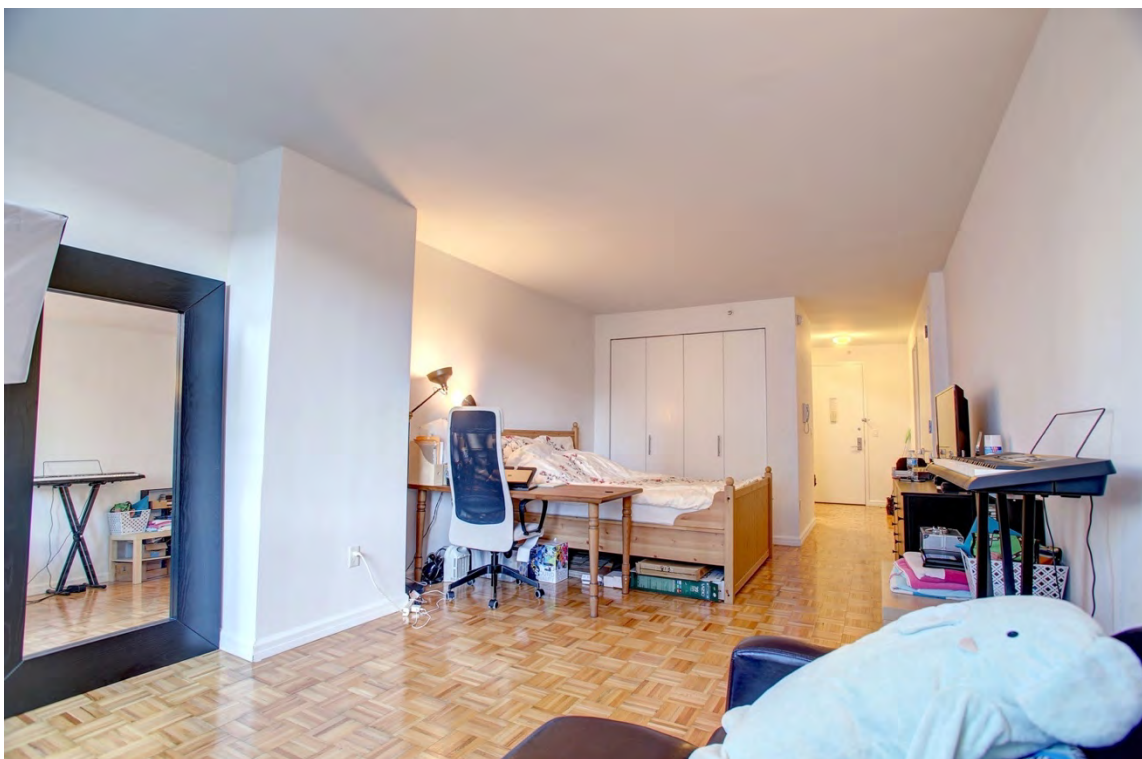


"315w102a8flr.jpg"

EXHIBIT F



"455w37a813br1.jpg"



"455w37a813br2.jpg"



"455w37a813closet.jpg"



"455w37a813lav.jpg"



"455w37a813k.jpg"



"455w37gym.jpg"



"455w37laundry.jpg"

EXHIBIT G



"239w72a3rbr1.jpg"



"239w72a3rbr2.jpg"



"239w72a3rbr3.jpg"



"239w72a3rk.jpg"



"239w72a3rlav.jpg"



"239w72a3rterrace.jpg"

EXHIBIT H



"127w72a3fk.jpg"



"127w72a3flr1.jpg"



"127w72a3flr2.jpg"

EXHIBIT I

Secure | <https://www.nakedapartments.com/apartment/Studio-West-77TH-ST-New-York-NY-10024-miGMRM4OmMP>

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TODAY, APRIL 17
Morning Afternoon Evening

TOMORROW, APRIL 18
Morning Afternoon Evening

THURSDAY, APRIL 19
Morning Afternoon Evening

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Clear

COMPARE PHOTOS AND DESCRIPTIONS FROM 13 AGENTS

Greg Linkous
BOND NEW YORK
★★★★★ (46)
LICENSE

12 Days on site
ID: (na_15051302)

CONTACT AGENT
View Greg's listing

Bright, renovated studio apartment in an elevator and laundry building right off of Central Park and across the street from the Museum of Natural History!

This apartment is listed by multiple agents.

CONTACT NOW
12 other agents also available

FEATURED BY:
Soraya Selles
BOND NEW YORK
★★★★★ (6)
LICENSE ELITE

FEEDBACK

Secure | <https://www.nakedapartments.com/apartment/Studio-West-77TH-ST-New-York-NY-10024-miGMRM4OmMP>

naked apartments

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Photos Map Neighborhood




PHOTO FROM: GREG LINKOUS, BOND NEW YORK

\$1,795 • Studio
West 77th St
Upper West Side, Manhattan

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COMPARE PHOTOS AND DESCRIPTIONS FROM 13 AGENTS

Greg Linkous
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CONTACT AGENT
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Bright, renovated studio apartment in an elevator and laundry building right off of Central Park and across the street from the Museum of Natural History!

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FEEDBACK

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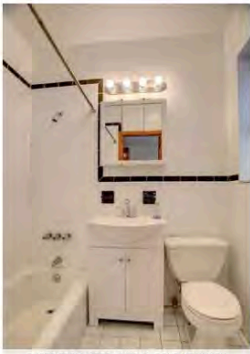


PHOTO FROM: GREG LINKOUS, BOND NEW YORK

\$1,795 • Studio
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THURSDAY, APRIL 19
Morning Afternoon Evening

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Greg Linkous
BOND NEW YORK
ID: (na_15051302) (46)
12 Days on site
CONTACT AGENT
View Greg's listing

Bright, renovated studio apartment in an elevator and laundry building right off of Central Park and across the street from the Museum of Natural History!

This apartment is listed by multiple agents.
CONTACT NOW
12 other agents also available


FEATURED BY:
Soraya Selles
BOND NEW YORK
ID: (na_15051302) (6)
LICENSE ELITE

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← See nearby apartments Create an alert for studio apartments like this: Your email address Create Alert

W 77th St & Central Park West Instant Apply
New York Central Park Apartments for Rent



\$1,795 /month

Sweet deal! This listing is 22% below the median price for studio apartments in Central Park.

Check Availability

To: **Greg Linkous**
Bond New York

Name (required)

Email (required)

Move-In MM/DD/YYYY (required)

Phone (555) 555-5555 (required)

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Send

Instant Apply
This listing accepts Zumper's Experian credit report and rental application.

Apartment Contact

STUDIO 1 BATH NO NO 5+ DAYS

W 77th St & Central Park West

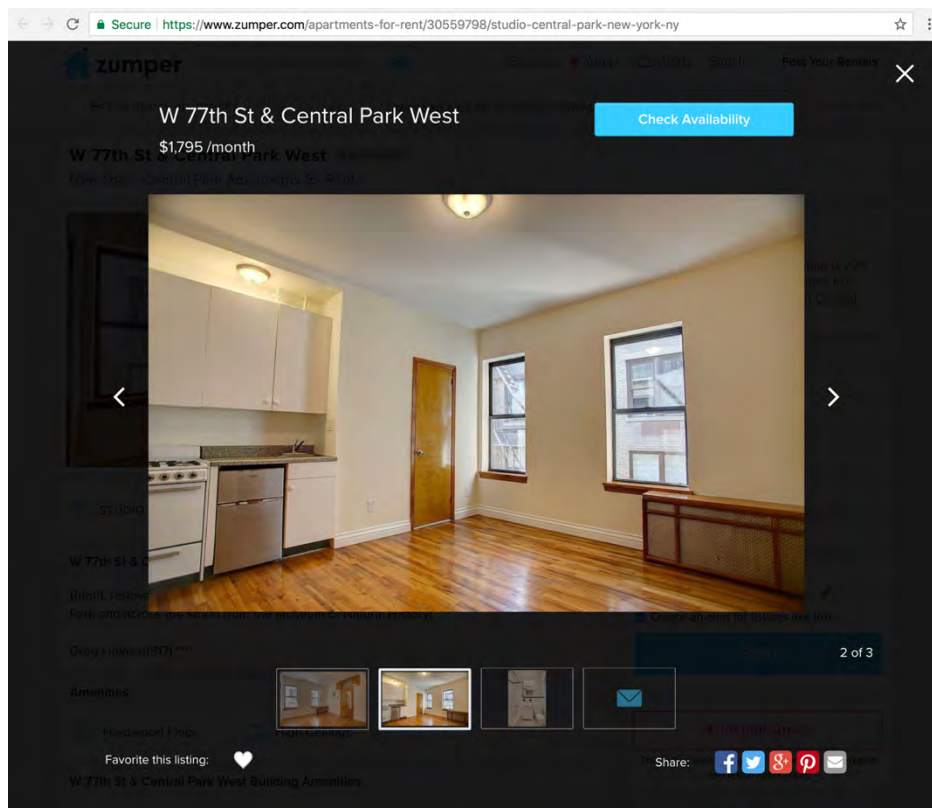
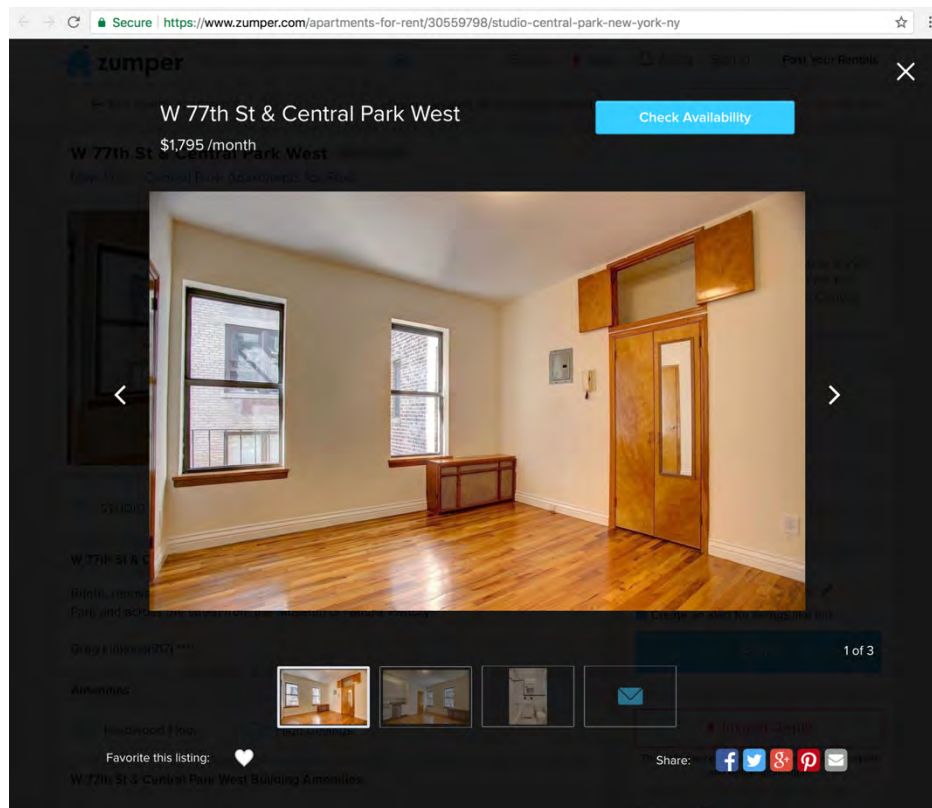
Bright, renovated studio apartment in an elevator and laundry building right off of Central Park and across the street from the Museum of Natural History!

Greg Linkous(917) ****

Amenities

Hardwood Floor High Ceilings

W 77th St & Central Park West Building Amenities



Secure <https://www.zumper.com/apartments-for-rent/30559798/studio-central-park-new-york-ny>

W 77th St & Central Park West [Check Availability](#)

W 77th St **\$1,795 /month** **Central Park West**

\$1,795 /month

Check Availability

Greg Lindeus
Bond New York

Check Availability

Greg Lindeus
Bond New York


3 of 3

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Studio at W 77 Street **94.1** **\$1,795**
Upper West Side, Upper Manhattan, Manhattan **HopScore** **Per Month**

Studio **1 Bath** **Immediate Move-In** **Listing Posted 3 hours ago**

Description

Great renovated studio on E. 77th street available now- Spacious living room, full bath room, open kitchen w / dish washer, hardwood floor, high ceiling. Elevator, live-

<https://www.renthop.com>

Krissy Sunshine Rincon
Bond New York
Reply Rate: 93.8%
Avg Reply: 2 hour 2 min

Name

Email

Phone Number

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☒ Anonymize personal information [?](#)

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1 BEDROOMS STARTING AT \$2,350

NEWPORT **NO FEE RENTALS**

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Studio at W 77 Street
Upper West Side, Upper Manhattan, Manhattan

94.1 HopScore **\$1,795** Per Month

Studio 1 Bath Immediate Move-In Listing Posted 3 hours ago

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Great renovated studio on E. 77th street available now- Spacious living room, full bath room, open kitchen w / dish washer, hardwood floor, high ceiling.Elevator, live-in suner, laundry room.Call/text email to see it today

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Upper West Side, Upper Manhattan, Manhattan

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Check Availability

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15 MINUTES TO MIDTOWN

DISCOVER NEWPORT.


1 BEDROOMS STARTING AT \$2,350

NEWPORT NO FEE RENTALS

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Shulamit Roshodesh
BOND New York
Reply Rate: 93.3%
Avg Reply: 3 hour 26 min

Name
Email
Phone Number

Hi, I am interested in this apartment. Is it still available for a showing?

☒ Anonymize personal information [?]

Check Availability

Studio at WEST 77 STREET
Upper West Side, Upper Manhattan, Manhattan
\$1,795 Per Month
Studio 1 Bath Immediate Move-In Listing Posted 6 days ago

Description
RENOVATED STUDIO ON WEST 77 STREET AND COLUMBUS AVE..... Spacious living room, full bath room, open kitchen w / dish washer, hardwood floor, high ceiling. Elevator, live-in super, laundry room. Near shopping, subway B,C,1,2,3.

15 MINUTES TO MIDTOWN

DISCOVER NEWPORT.



1 BEDROOMS STARTING AT \$2,350

NEWPORT NO FEE RENTALS

Secure <https://www.rentHop.com/listings/west-77-street/na/12046600>

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Upper West Side, Upper Manhattan, Manhattan

\$1,795
Per Month

15 MINUTES TO MIDTOWN

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DISCOVER NEWPORT.



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NEWPORT NO FEE RENTALS



Description

RENOVATED STUDIO ON WEST 77 STREET AND COLUMBUS AVE..... Spacious living room, full bath room, open kitchen w / dish washer, hardwood floor, high ceiling. Elevator live-in super laundry room. Near shopping, subway B,C 1,2,3.

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Studio 1 Bath Immediate Move-In Listing Posted 6 days ago

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FEATURED BY:
Soraya Selles
BOND NEW YORK
★★★★★ (6)
LICENSE ELITE

26 Days on site
ID: (na_14943876)
CONTACT AGENT
View Soraya's listing

Amazing location across from the MUSEUM OF NATURAL HISTORY. W. 77th and Central Park West. Apartment features: two large windows, oak-stripped floors, high ceilings, deep closet space and updated kitchen and windowed bathroom. ** Call Soraya to view this apartment 1-*

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Soraya Selles
BOND NEW YORK
★★★★★ (6)
LICENSE ELITE

FEEDBACK

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★★★★★ (6)
LICENSE ELITE

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Amazing location across from the MUSEUM OF NATURAL HISTORY W. 77th and Central. Park West. Apartment features: two large windows, oak-stripped floors, high ceilings, deep closet space and updated kitchen and windowed bathroom. ** Call Soraya to view this apartment 1-1**

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Meni Tsoukalas
BOND NEW YORK
★★★★☆ (22)
12 Days on site
ID: (nrc_150496337)
CONTACT AGENT
View Meni's listing

Actual Photos!
"ELEVATOR/LAUNDRY/LIVE-IN SUPER" Directly across from the MUSEUM OF NATURAL HISTORY"
Apartment features: two large windows, oak-stripped floors, high ceilings, deep closet space and updated kitchen and windowed bathroom, small fridge, and there will be shelving added and a built-in microwave. Prime location-W. 77th and Central. Park West. New Card operated laundry room.

FEATURED BY:
Soraya Selles
BOND NEW YORK
★★★★★ (6)
LICENSE ELITE

Secure | <https://www.nakedapartments.com/apartment/Studio-West-77TH-ST-New-York-NY-10024-mIGMRM4OmMP>

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BOND NEW YORK
★★★★☆ (22)
12 Days on site
ID: (nrc_150496337)
CONTACT AGENT
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FEATURED BY:
Soraya Selles
BOND NEW YORK
★★★★★ (6)
LICENSE ELITE

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Meni Tsoukalas
BOND NEW YORK
★★★★★ (22)
12 Days on site
ID: (na_11049637)
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FEATURED BY:
Soraya Selles
BOND NEW YORK
★★★★★ (8)
LICENSE ELITE

FEEDBACK

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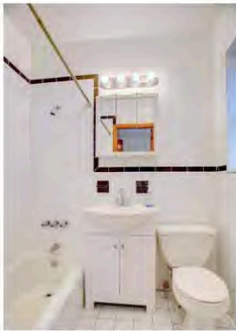


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West 77th St
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Soraya Selles
BOND NEW YORK
★★★★★ (8)
LICENSE ELITE

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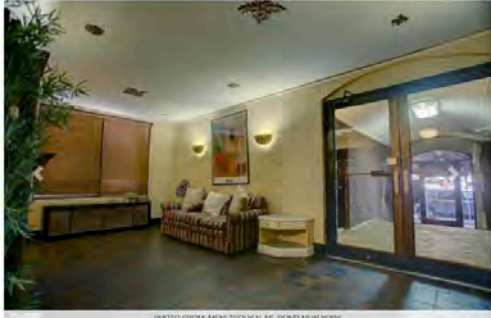



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Meni Tsoukalas
BOND NEW YORK
★★★★☆ (22)
[LICENSE](#)

12 Days on site
ID: (NA_16049827)
[CONTACT AGENT](#)
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Actual Photos!

ELEVATOR*LAUNDRY*LIVE-IN SUPERDirectly across from the MUSEUM of NATURAL HISTORY*

Apartment features: two large windows, oak-stripped floors, high ceilings, deep closet space and updated kitchen and windowed bathroom, small fridge, and there will be shelving added and a built-in microwave.
Prime location—W. 77th and Central. Park West. New Card operated laundry room.


FEATURED BY:
Soraya Selles
BOND NEW YORK
★★★★★ (6)
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1BR at west 95 st
Upper West Side, Upper Manhattan, Manhattan


85.5 **\$2,150**
HopScore Per Month

1 Bed 1 Bath Immediate Move-In Listing Posted 5 hours ago

Description

Large, Renovated one bedroom home. The bedroom fits a queen sized bed with furniture. The apartment has a renovated kitchen with breakfast bar and good closet space.
a bolck away from west 96 st stop

Call to view at 03 44 0174



Said Bennani
Bond New York Real Estate
Reply Rate: 92.1%

Name


Email

Phone Number

Hi, I am interested in this apartment. Is it still available for a showing?

☒ Anonymize personal information [7]


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FULL FLOOR - OFFICE SPACE
Private Entrance from Union Square Park

Secure <https://www.renthop.com/listings/west-95-st/na/11733017>

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[Kitchen](#) [Bath](#) [Misc](#)

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[Check Availability](#)



FULL FLOOR - OFFICE SPACE
Private Entrance from Union Square Park

Secure <https://www.renthop.com/listings/west-95-st/na/11733017>

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3 / 4 [Save](#)


[Kitchen](#) [Bath](#) [Misc](#)

1BR at west 95 st **85.5** **\$2,150**
Upper West Side, Upper Manhattan, Manhattan HopScore Per Month

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Reply Rate: 92.1%

Name


Email

Phone Number

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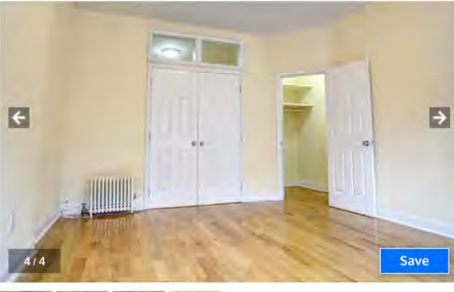
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FULL FLOOR - OFFICE SPACE
Private Entrance from Union Square Park

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[Kitchen](#) [Bath](#) [Misc](#)

1BR at west 95 st **85.5** **\$2,150**
Upper West Side, Upper Manhattan, Manhattan HopScore Per Month

1 Bed 1 Bath Immediate Move-In Listing Posted 5 hours ago

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Said Bennani
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Name


Email

Phone Number

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FULL FLOOR - OFFICE SPACE
Private Entrance from Union Square Park

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\$2,895 • Studio
West 37th St
Hell's Kitchen, Manhattan

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No obligations. Cancel anytime.

TODAY, JUNE 18
Morning Afternoon Evening

TOMORROW, JUNE 19
Morning Afternoon Evening

WEDNESDAY, JUNE 20
Morning Afternoon Evening

Request These Times
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COMPARE PHOTOS AND DESCRIPTIONS FROM 8 AGENTS

Greg Linkous
BOND NEW YORK
★★★★★ (46)
LICENSE

5 Days on site
ID: (na_15621225)
NO FEE 1 MONTH FREE

CONTACT AGENT
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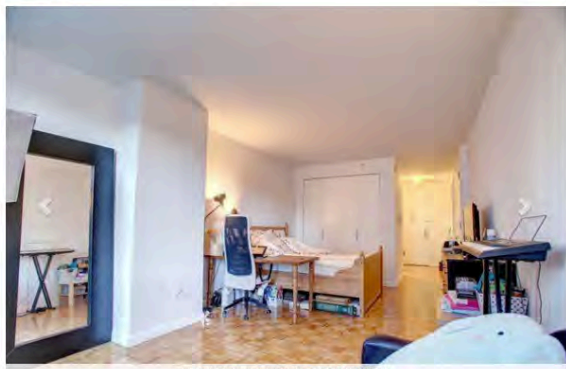


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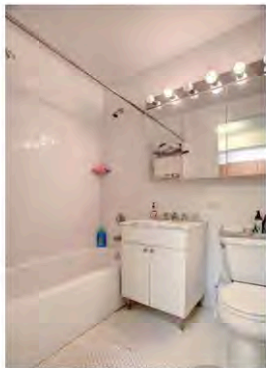


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Morning Afternoon Evening

SATURDAY, OCTOBER 27
Morning Afternoon Evening

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FEATURED BY:
Soraya Selles
BOND NEW YORK
★★★★★ (7)
LICENSE ELITE

8 Days on site
ID: (na_16583617)
NO FEE

CONTACT AGENT
View Soraya's listing

Within walking distance of Madison Square Garden, Macy's, and Times Square. This apartment is central to all of Midtown West. In your neighborhood, enjoy imported food stores, restaurants, cafes, shopping, and upscale dining. Gorgeous apartment with top finishes and floor to ceiling window!! ** Call Soraya to view this apartment and many more!! ** I have a tremendous amount of apartments available all over the city, I can help you find a great place!!!

Price advertised include one month free!!

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BOND NEW YORK
★★★★★ (7)
LICENSE ELITE

FEEDBACK

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LICENSE ELITE

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NO FEE

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BOND NEW YORK
★★★★★ (7)
LICENSE ELITE

FEEDBACK

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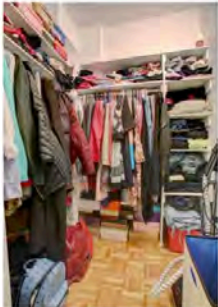


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Morning Afternoon Evening

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FEATURED BY:
Soraya Selles
BOND NEW YORK
★★★★★ (7)
LICENSE ELITE

8 Days on site
ID: (na_16563617)
NO FEE

CONTACT AGENT
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Within walking distance of Madison Square Garden, Macy's, and Times Square. This apartment is central to all of Midtown West. In your neighborhood, enjoy imported food stores, restaurants, cafes, shopping, and upscale dining. Gorgeous apartment with top finishes and floor to ceiling window!! ** Call Soraya to view this apartment and many more!! ** I have a tremendous amount of apartments available all over the city. I can help you find a great place!!!

Price advertised include one month free!!

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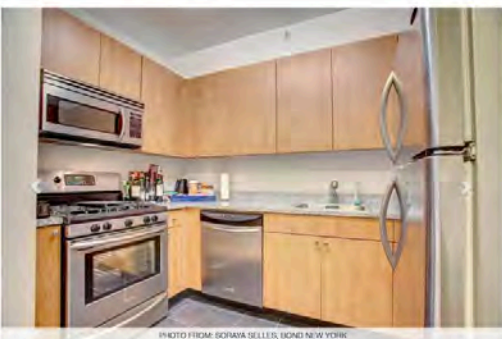


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LICENSE ELITE

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FEATURED BY:
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BOND NEW YORK
★★★★★ (7)
LICENSE ELITE

6 Days on site
ID: (na_16563817)
NO FEE
CONTACT AGENT
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Within walking distance of Madison Square Garden, Macy's, and Times Square, this apartment is central to all of Midtown West. In your neighborhood, enjoy imported food stores, restaurants, cafes, shopping, and upscale dining. Gorgeous apartment with top finishes and floor to ceiling window!! ** Call Soraya to view this apartment and many more!! ** I have a tremendous amount of apartments available all over the city. I can help you find a great place!!

Price advertised include one month free!!

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LICENSE ELITE

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LICENSE ELITE

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NO FEE
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BOND NEW YORK
★★★★★ (7)
LICENSE ELITE

FEEDBACK

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\$4,495 • Three Bedrooms
West 72nd St
Upper West Side, Manhattan

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This apartment is listed by multiple agents.

CONTACT NOW
2 agents available

New York City Renter Guide

PHOTO FROM: IVO VELON, BOND NEW YORK

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Ivo Velon
BOND NEW YORK
★ ★ ★ ★ ★ (2)
LICENSE

21 Days on site
ID: (na_NKA_Bond_1476908)

CONTACT AGENT
View Ivo's listing

RARE OPPORTUNITY, NEW TO MARKET! Gorgeous, spacious, and fully renovated three bedroom apartment home with a HUGE terrace only 2 flights up. In the heart of the Upper West Side, stone's throw to Central Park, Riverside Park, Trader Joe's, shopping, dining, the 1/2/3 Express trains and Cross town bus. Apartment features: 3 queen-sized bedrooms, renovated kitchen with dishwasher, hardwood floors, 12 foot ceilings and lots of space!

Español

Secure | <https://www.bondnewyork.com/upper-west-side/apartment-for-rent/west-72nd-street/1476908>

BOND REAL ESTATE SALES RENTALS NEIGHBORHOODS AGENTS RELOCATION LOG IN GET STARTED Address or Zip Code

WEST 72ND STREET BACK

\$4,495 Price **3** Beds **1** Baths

ID #: 1476908
Area: Upper West Side
Property Type: Apartment
Availability: Immediately
Total Rooms: 5
Pet Policy: No Pets

Need Help?

Photo 9

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Building & Unit Features

- Balcony
- Hardwood
- Microwave
- Dishwasher
- High Ceilings
- Original Details
- Granite Kitchen
- Light
- Outdoor Space


Listing Agent

Ivo Velon
IV 212-272-6350
917-365-9155
ivelon@bondnewyork.com


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\$4,195 • Three Bedrooms
West 72nd St
Upper West Side, Manhattan

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CONTACT AGENT

 **Justin Duffy**
BOND NEW YORK
★★★★★ (52)
LICENSE ELITE

Renting In NYC

Apartment features: 3 queen-sized bedrooms, renovated kitchen with dishwasher, hardwood floors, 12ft ceilings and lots of space. "I don't stop until I find my clients the exact apartment they desire!" Go to www.JustinDuffy.com and send me your info so I can contact you about this and any other apartments that fit your criteria! Let my colleagues and I use our years of combined experience in New York City real estate to make your apartment search as easy and as fun as possible. We have access to over 95% of available properties in Manhattan and will use our resources to find you exactly what you want. **PLEASE DON'T TEXT**


Apartment Details
\$4,195, Three Bedrooms, 1.0 Bathroom

LAST UPDATED 14 Days	LISTED FOR 14 Days	✓ Web ID: 16524614
AVAILABLE	PETS:	


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AVAILABLE	PETS:	

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\$4,195 • Three Bedrooms
West 72nd St
Upper West Side, Manhattan

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CONTACT AGENT

 **Justin Duffy**
BROOKLYN, NEW YORK
★★★★★ (82)
LICENSE ELITE

Renting in NYC

Apartment features: 3 queen-sized bedrooms, renovated kitchen with dishwasher, hardwood floors, 12ft ceilings and lots of space. "I don't stop until I find my clients the exact apartment they desire!" Go to www.JustinDuffy.com and send me your info so I can contact you about this and any other apartments that fit your criteria! Let my colleagues and I use our years of combined experience in New York City real estate to make your apartment search as easy and as fun as possible. We have access to over 95% of available properties in Manhattan and will use our resources to find you exactly what you want. **"PLEASE DON'T TEXT"**

Apartment Details
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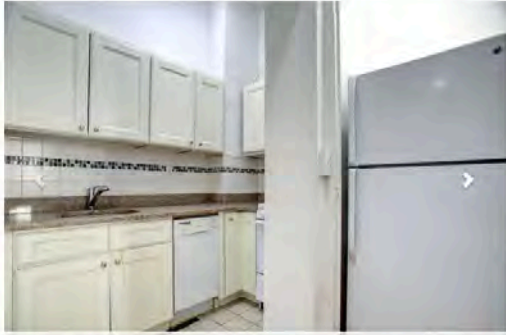
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\$4,195 • Three Bedrooms
West 72nd St
Upper West Side, Manhattan

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CONTACT AGENT

 **Justin Duffy**
BOND NEW YORK
★★★★☆ (52)
LICENSE ELITE

Renting in NYC

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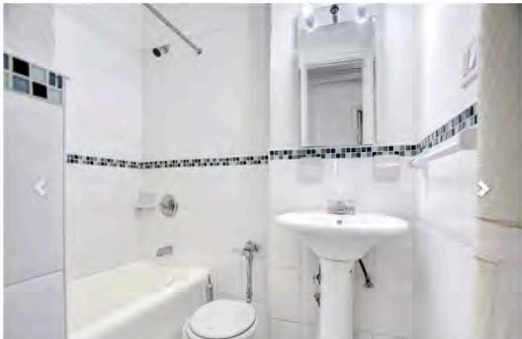
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\$4,195 • Three Bedrooms
West 72nd St
Upper West Side, Manhattan

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LAST UPDATED 14 Days	LISTED FOR 14 Days	Web ID: 16524614
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1/9 Map

3BR at West 72nd Street
Upper West Side, Upper Manhattan, Manhattan


73.8 HopScore **\$3,875** Per Month

3 Bed 1 Bath Immediate Move-In
Listing Posted 4 days ago

[Save Listing](#)

Description
A beautiful place to call home.

Spacious 3 bedroom apartment with private outdoor space.
The apartment is located just steps to the 2/3 train, just across the street from Trader Joe's and just a

 **SELLES-Soraya**
Bond New York
12 Renter Reviews
Reply Rate: 91.8%

Name
Email
Phone Number

Hi, I am interested in this apartment. Is it still available for a showing?

☒ Anonymize personal information [?](#)

Check Availability

15 MINUTES TO MIDTOWN

DISCOVER NEWPORT.


1 BEDROOMS STARTING AT **\$2,350**

NEWPORT NO FEE RENTALS

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1/6 [Map](#)

2BR at W 102 **72.4** **\$3,250**
Upper West Side, Upper Manhattan, Manhattan HopScore Per Month

2 Bed 1 Bath Immediate Move-In
Listing Posted 6 days ago [Save Listing](#)

Description

Beautiful 2 BR apartment with LAUNDRY and LIVE-IN SUPER MASSIVE converted two bedroom apartment with great light. Apartment features: north east and south-east exposure; King-sized bedroom with his and hers closets and an extra guest bedroom or office; beautiful original wood floors and oversized windows; newly RENOVATED windowed chef's kitchen with new high gloss wood cabinets, granite countertops, and full-sized appliances, including dishwasher, built-in microwave and refrigerator plus tons of counterspace. Newly renovated large windowed bathroom with classic tub and tile. Close to public transportation, shopping, parks, eateries.

15 MINUTES TO MIDTOWN

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1 BEDROOMS STARTING AT **\$2,350**

NEWPORT NO FEE RENTALS



Alla Klouka
BOND
Reply Rate: 100.0%

Name

Email

Phone Number

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2/6 [Map](#)

2BR at W 102 **72.4** **\$3,250**
Upper West Side, Upper Manhattan, Manhattan HopScore Per Month

2 Bed 1 Bath Immediate Move-In
Listing Posted 6 days ago [Save Listing](#)

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DISCOVER NEWPORT.

1 BEDROOMS STARTING AT **\$2,350**

NEWPORT NO FEE RENTALS



Alla Klouka
BOND
Reply Rate: 100.0%

Name

Email

Phone Number


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☒ Anonymize personal information [\[?\]](#)


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3 / 6 [Map](#)





Alla Kliouka
BOND
Reply Rate: 100.0%

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2BR at W 102 **72.4** **\$3,250**
Upper West Side, Upper Manhattan, Manhattan HopScore Per Month

2 Bed 1 Bath **Immediate Move-In**
Listing Posted 6 days ago

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Description

Beautiful 2 BR apartment with LAUNDRY and LIVE-IN SUPER MASSIVE converted two bedroom apartment with great light. Apartment features: north east and south-east exposure; King-sized bedroom with his and hers closets and an extra guest bedroom or office; beautiful original wood floors and oversized windows; newly RENOVATED windowed chef's kitchen with new high gloss wood cabinets, granite countertops, and full-sized appliances, including dishwasher, built-in microwave and refrigerator plus tons of counterspace. Newly renovated large windowed bathroom with classic tub and tile. Close to public transportation, shopping, parks, eateries.

15 MINUTES TO MIDTOWN

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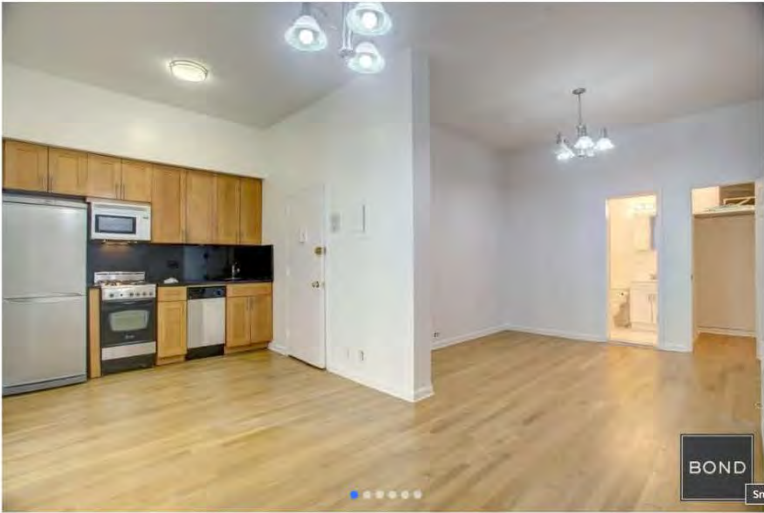
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Small View



127 West 72nd Street #3F

Upper West Side, Upper Manhattan, Manhattan


Building: [127 West 72nd Street](#)

2 Bed 1 Bath

Immediate Move-In

\$3,200

Posted 2 hours ago



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Small View



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Upper West Side, Upper Manhattan, Manhattan


Building: [127 West 72nd Street](#)

2 Bed 1 Bath

Immediate Move-In

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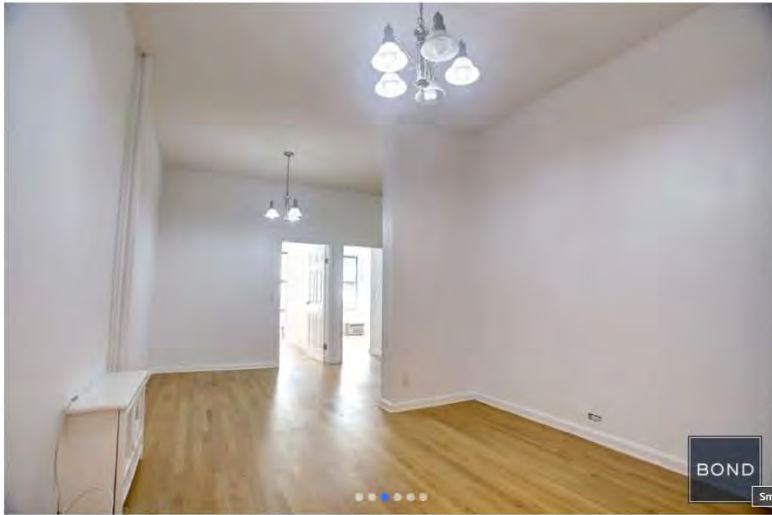
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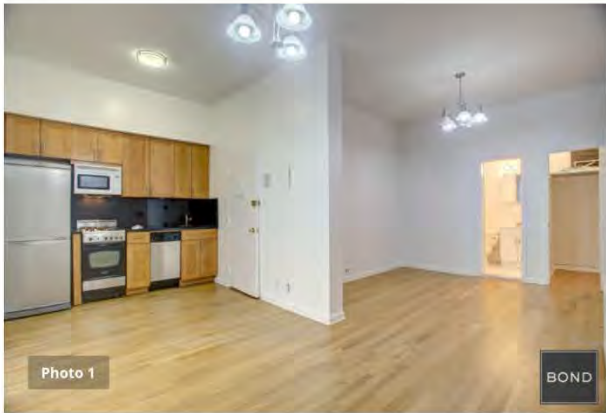
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\$ 3,200 NER No Fee
2 Beds • 1 Baths



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347-330-8515
kmcconnell@bondnewyork.com

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Total Rooms: 4 Pet Policy: No Pets

Building & Unit Features

- ✓ Dishwasher
- ✓ Light
- ✓ One Month Free
- ✓ Hardwood
- ✓ Microwave
- ✓ Renovated
- ✓ High Ceilings
- ✓ NO FEE
- ✓ Stainless Steel Appliances

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Photo 2

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